CLERK'S OFFICE U.S. DIST. COURT AT ROANO CE, VA

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

APR 22	2015
JULIA BY: DEPUT	EY, CLERK CLERK

UNITED STATES OF AMERICA,)		
) Case No. 7:13CR00007-002		
)	((Case No. 7:14CV70741)
v.)		
)		FINAL ORDER
MARTHA JO LANDGREBE,)		
)	By:	Hon. Glen E. Conrad
Defendant.)	-	Chief United States District Judge

This action, brought as a motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255, is before the court upon the Report and Recommendation of the United States Magistrate Judge, prepared pursuant to 28 U.S.C. § 636(b). By order entered January 14, 2015, this case was referred to United States Magistrate Judge Joel C. Hoppe for appropriate proceedings pursuant to 28 U.S.C. § 636(b)(1)(B). The magistrate judge has now submitted a report in which he concludes that when the defendant pled guilty with a written agreement, she knowingly and voluntarily waived her right to collaterally attack her sentence, and two of her § 2255 claims fall within the scope of that waiver; and that the existing record conclusively shows that defendant is not entitled to relief on her third § 2255 claim. Therefore, the magistrate judge recommends that the court grant the government's motion to dismiss. Both sides were advised that failure to file written objections to the report within fourteen days would be deemed to constitute a waiver of the right to contest the magistrate judge's findings and conclusions. The fourteen days allotted under § 636(b) for parties to object to the findings and recommendations in the magistrate judge's report have expired, and neither party has filed any objection to the Report and Recommendation.

For reasons stated in the magistrate judge's Report and Recommendation, and in the

absence of any objections thereto, it is now

ORDERED

that the Report and Recommendation shall be, and it hereby is ADOPTED in its entirety as the

opinion of the court, see Wells v. Shriners Hospital, 109 F.3d 198, 199 (4th Cir. 1997) (failure to

file written objections to report and recommendation constitutes a waiver of the right to further

contest those issues) and Wright v. Collins, 766 F.2d 841 (4th Cir. 1985) (pro se litigant must be

advised of the effect of failure to file written objections to report and recommendation in order

for the report to be binding on the litigant); the motion to dismiss is GRANTED; the motion to

vacate, set aside or correct sentence under 28 U.S.C. § 2255 is DISMISSED; and this action is

hereby stricken from the active docket of the court. Based upon the court's finding that the

defendant has not made the requisite showing of denial of a substantial right, a certificate of

appealability is **DENIED**.

The Clerk is directed to send certified copies of this order to all parties.

ENTER: April 22, 2015

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